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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

DWAYNE AUSTIN, individually and on : Civil Action No.: 2:21-cv-02100-KJM-DB
behalf of all persons similarly situated, :

Plaintiff,

v.

FINISHLINE EXPRESS LLC and DHL
EXPRESS (USA) INC. d.b.a. DHL
EXPRESS,

Defendants.

CLASS AND COLLECTIVE ACTION

JURY TRIAL DEMANDED

**STIPULATION AND PROPOSED ORDER TO STAY CASE
PENDING ALTERNATIVE DISPUTE RESOLUTION AND TOLLING**

[Additional Counsel]

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**STIPULATION AND ORDER TO STAY CASE
PENDING ALTERNATIVE DISPUTE RESOLUTION AND TOLLING**

Plaintiff Dwayne Austin (“Plaintiff”) and Defendants Finishline Express (“Finishline”) and DHL Express (USA) Inc. d.b.a. DHL Express (“DHL”) (collectively, the “Parties”), through their undersigned counsel, hereby stipulate as follows:

1. On November 12, 2021, Plaintiff filed this class and collective action lawsuit alleging that Defendants violated the Fair Labor Standards Act and California state law by failing to compensate Courier Drivers or delivery drivers who were paid by Defendant Finishline to deliver packages for DHL in California and throughout the United States for all hours worked over forty in a workweek and other violations of California state law. (Dkt. No. 1.)

2. Finishline’s response to Plaintiff’s Complaint is due January 21, 2022. (Dkt. No. 5.) DHL’s response to Plaintiff’s Complaint is due January 21, 2022. (Dkt. No. 4.)

3. The Parties have now met and conferred and have agreed to a framework for exploring settlement through alternative dispute resolution (“ADR”), potentially including mediation in or around March or April 2022.

4. The Parties understand that to engage in meaningful, good faith, and informed settlement discussions, there will have to be an exchange of relevant information and the Parties will confer and come to an agreement on the information to be produced in advance of the mediation.

5. To allow the Parties to focus on ADR-related discovery and the mediation process set forth above, and to promote judicial economy, the Parties respectfully request a stay of these proceedings from the date of the filing of this Stipulation until May 31, 2022 (the “Stay Period”). The Parties agree that all deadlines and statute of limitations on potential wage claims shall be tolled for the Parties and Class Members. Such tolling shall begin upon approval of this stipulation by the Court and continue until thirty (30) days after completion of mediation. The Parties further respectfully request that the deadline for Defendants to file their responses to Plaintiff’s Complaint be extended to 30 days after the end of the tolling period.

6. On or before May 16, 2022, the Parties will submit a joint status report apprising the Court as to the status of the settlement discussions and the outcome of the mediation process.

WHEREFORE, the Parties respectfully request that the Court enter this stipulation as an Order.

Pursuant to Local Rule 131(e) filing counsel represents they have obtained the approval of the undersigned prior to submission.

Dated: January 14, 2022

Respectfully submitted,

/s/ Sophia Rios

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*Attorneys for Defendant DHL Express (USA),
Inc.*

ORDER

The Court having reviewed the foregoing Stipulation, and good cause appearing therefore orders:

1. The proceeding be stayed until May 31, 2022.
2. All deadlines and statute of limitations on potential wage claims shall be tolled for the Parties and Class Members until thirty (30) days after completion of mediation.
3. The deadline for Defendants to file their responses to Plaintiff's Complaint is extended to 30 days after the end of the tolling period.
4. The Initial Scheduling Conference set for March 24, 2022, is VACATED and RESET for August 25, 2022 at 2:30 p.m., with the filing of a joint status report due fourteen days prior.

IT IS SO ORDERED.

DATED: January 19, 2022.


CHIEF UNITED STATES DISTRICT JUDGE